UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WPIX, INC., WNET.ORG, AMERICAN BROADCASTING COMPANIES, INC., DISNEY ENTERPRISES, INC., CBS BROADCASTING INC., CBS STUDIOS INC., THE CW TELEVISION STATIONS INC., NBC UNIVERSAL, INC., NBC STUDIOS, INC., UNIVERSAL NETWORK TELEVISION, LLC, TELEMUNDO NETOWRK GROUP LLC, NBC TELEMUNDO LICENSE COMPANY, OFFICE OF THE COMMISSIONER OF BASEBALL, MLB ADVANCED MEDIA, L.P., COX MEDIA GROUP, INC., FISHER BROADCASTING-SEATTLE TV, L.L.C., TWENTIETH CENTURY FOX FILM CORPORATION, FOX TELEVISION STATIONS, INC., TRIBUNE TELEVISION HOLDINGS, INC., TRIBUNE TELEVISION NORTHWEST, INC., UNIVISION TELEVISION GROUP, INC., THE UNIVISION NETWORK LIMITED PARTNERSHIP, TELEFUTURA NETWORK, WGBH EDUCATIONAL FOUNDATION, THIRTEEN, and PUBLIC BROADCASTING SERVICE,

Plaintiffs,

- against -

IVI, INC. and TODD WEAVER,

Defendants.

Docket No.: 10 Civ. 7415 (PAC)

**NOTICE OF MOTION TO ADMIT COUNSEL PRO HAC VICE**

OCT 08 2010

**PURSUANT TO RULE 1.3(c)** of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, the undersigned, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission pro hac vice of the following attorneys,

ORIGINAL

Applicant's Name: Lawrence D. Graham
Firm Name: Black Lowe & Graham, PLLC
Address: 701 Fifth Avenue, Suite 4800
City/State/Zip: Seattle, Washington 98104
Phone Number: (206) 381-3300
Facsimile: (206) 381-3301
E-Mail: graham@blacklaw.com

-and-

Applicant's Name: Ellen M. Bierman
Firm Name: Black Lowe & Graham, PLLC
Address: 701 Fifth Avenue, Suite 4800
City/State/Zip: Seattle, Washington 98104
Phone Number: (206) 381-3300
Facsimile: (206) 381-3301
E-Mail: bierman@blacklaw.com

Lawrence D. Graham is a member in good standing of the Bar of the State of Washington. There are no pending disciplinary proceedings against Mr. Graham in any state or federal court.

Ellen M. Bierman is a member in good standing of the Bar of the State of Washington. There are no pending disciplinary proceedings against Ms. Bierman in any state or federal court.

Dated: Union, New Jersey
October 5, 2010

NISSENBAUM LAW GROUP, LLC
*Attorneys for Defendants*
ivi, INC. and Todd Weaver

By: Gavin Handwerker (GIH 6191)
2400 Morris Avenue, 3rd Floor
Union, New Jersey 07083
Telephone: (908) 686-8000
Facsimile: (908) 686-8550
E-mail: gih@gdnlaw.com

## AFFIRMATION OF SERVICE

GAVIN I. HANDWERKER, an attorney duly admitted to practice law in the Courts of the State of New York affirms the following to be true under the penalties of perjury:

That on October 7, 2010, I served the within NOTICE OF MOTION and AFFIRMATION WITH EXHIBITS, in the following manner:

_____ By depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and control of the United States Postal Service addressed to each of the persons listed below at the last known address set forth after each name;

_____ By delivering a true copy thereof personally to each person listed below at the address indicated. I knew each person served to be the person mentioned and described in said papers as a party therein, or their attorney authorized to accept service;

_____ By transmitting the papers by electronic means to the telephone/FAX number listed below, which number was designated by the attorney/ party for such purpose. I received a signal from the equipment of the attorney/party served indicating that the transmission was received. I also deposited a true copy of the papers, enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service, addressed to the attorney/party at the address listed below;

__X__ By depositing a true copy thereof, enclosed in a wrapper addressed as shown below, into the custody of **A FEDERAL EXPRESS COURIER** for overnight delivery, prior to the latest time designated by that service for overnight delivery;

_____ By delivering a true copy thereof by electronic means to the email address listed below, which said electronic mail address was designated by the attorney/party for such purpose.

## NAMES/ADDRESSES/FAXES OF PARTIES SERVED

Peter Zimroth, Esq.
ARNOLD & PORTER, LLP
*Attorneys for Plaintiffs*
399 Park Avenue
New York, New York 10022
Peter.zimroth@aporter.com

Dated: Union, New Jersey
October 7, 2010

GAVIN I. HANDWERKER (GIH6191)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WPIX, INC., WNET.ORG, AMERICAN BROADCASTING COMPANIES, INC., DISNEY ENTERPRISES, INC., CBS BROADCASTING INC., CBS STUDIOS INC., THE CW TELEVISION STATIONS INC., NBC UNIVERSAL, INC., NBC STUDIOS, INC., UNIVERSAL NETWORK TELEVISION, LLC, TELEMUNDO NETOWRK GROUP LLC, NBC TELEMUNDO LICENSE COMPANY, OFFICE OF THE COMMISSIONER OF BASEBALL, MLB ADVANCED MEDIA, L.P., COX MEDIA GROUP, INC., FISHER BROADCASTING-SEATTLE TV, L.L.C., TWENTIETH CENTURY FOX FILM CORPORATION, FOX TELEVISION STATIONS, INC., TRIBUNE TELEVISION HOLDINGS, INC., TRIBUNE TELEVISION NORTHWEST, INC., UNIVISION TELEVISION GROUP, INC., THE UNIVISION NETWORK LIMITED PARTNERSHIP, TELEFUTURA NETWORK, WGBH EDUCATIONAL FOUNDATION, THIRTEEN, and PUBLIC BROADCASTING SERVICE,

Plaintiffs,

- against -

IVI, INC. and TODD WEAVER,

Defendants.

Docket No.: 10 Civ. 7415 (PAC)

**AFFIRMATION OF GAVIN I. HANDWERKER IN SUPPORT OF MOTION TO ADMIT COUNSEL PRO HAC VICE**

GAVIN I. HANDWERKER, an attorney duly admitted to practice law in the Courts of the State of New York affirms the following to be true under the penalties of perjury:

1. I am a principal of Nissenbaum Law Group, LLC, attorneys for Defendants ivi, Inc. and Todd Weaver and, as such, am fully familiar with the facts and circumstances of the within matter.

ORIGINAL

2. I am a member in good standing of the bars of the State of New York, the State of New Jersey and the Commonwealth of Pennsylvania and was admitted to practice law in the State of New York on February 22, 1999 (September 21, 1999 and February 1, 2008 for New Jersey and Pennsylvania, respectively). I am also admitted to the bar of the United States District Court for the Southern District of New York and am in good standing with this Court.

3. I have personally conferred with Mr. Graham and Ms. Bierman, who are members of the firm Black, Lowe & Graham located in Seattle, Washington. I have found both Mr. Graham and Ms. Bierman to be skilled attorneys and persons of integrity and high moral character. By way of example, both are seasoned patent attorneys and publishers of various scholarly articles. I am also informed that Mr. Graham is an adjunct professor at Seattle University School of Law.

4. They are experienced federal practitioners and familiar with the Federal Rules of Civil Procedure. In that regard, Mr. Graham is admitted to the United States Supreme Court, the U.S. Court of Appeals, Federal Circuit, the U.S. Court of Appeals, Ninth Circuit, U.S. Court of Appeals, Eighth Circuit and the U.S. District Court, Western District of Washington.

5. Ms. Bierman is admitted to the U.S. District Court, Western District of Washington and the U.S. Courts of Appeals for the Federal Circuit.

6. For completeness, I am also informed that Mr. Graham was also recently admitted pro hac vice before this Court in a separate matter, Berall v. Verathon, Inc., Docket Number 10 civ. 05777.

7. Accordingly, I am pleased to move the admission of Mr. Graham and Ms. Bierman, pro hac vice.

8. I respectfully submit a proposed order granting the admission of Lawrence D. Graham and Ellen M. Bierman, pro hac vice, which is annexed hereto and made a part hereof as Exhibit A.[1]

WHEREFORE it is respectfully requested that the motion be granted in its entirety together with such other, further and different relief as the court deems just, equitable and proper under the circumstances.

Dated: Union, New Jersey
October 5, 2010

NISSENBAUM LAW GROUP, LLC
*Attorneys for Defendants*
ivi, INC. and TODD WEAVER

By: Gavin Handwerker (GIH 6191)
2400 Morris Avenue, 3rd Floor
Union, New Jersey 07083
Telephone: (908) 686-8000
Facsimile: (908) 686-8550
E-mail: gih@gdnlaw.com

[1] Certificates of good standing for Mr. Graham and Ms. Bierman, respectively, are annexed hereto and made a part hereof as Exhibits B and C.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WPIX, INC., WNET.ORG, AMERICAN BROADCASTING COMPANIES, INC., DISNEY ENTERPRISES, INC., CBS BROADCASTING INC., CBS STUDIOS INC., THE CW TELEVISION STATIONS INC., NBC UNIVERSAL, INC., NBC STUDIOS, INC., UNIVERSAL NETWORK TELEVISION, LLC, TELEMUNDO NETOWRK GROUP LLC, NBC TELEMUNDO LICENSE COMPANY, OFFICE OF THE COMMISSIONER OF BASEBALL, MLB ADVANCED MEDIA, L.P., COX MEDIA GROUP, INC., FISHER BROADCASTING-SEATTLE TV, L.L.C., TWENTIETH CENTURY FOX FILM CORPORATION, FOX TELEVISION STATIONS, INC., TRIBUNE TELEVISION HOLDINGS, INC., TRIBUNE TELEVISION NORTHWEST, INC., UNIVISION TELEVISION GROUP, INC., THE UNIVISION NETWORK LIMITED PARTNERSHIP, TELEFUTURA NETWORK, WGBH EDUCATIONAL FOUNDATION, THIRTEEN, and PUBLIC BROADCASTING SERVICE,

Plaintiffs,

- against -

IVI, INC. and TODD WEAVER,

Defendants.

Docket No.: 10 Civ. 7415 (PAC)

**ORDER ADMITTING COUNSEL PRO HAC VICE**

**UPON** the motion of Gavin I. Handwerker, Esq., attorney for Defendants ivi, Inc. and Todd Weaver, and said sponsor attorney's affirmation in support;

**IT IS HEREBY ORDERED**, that

| | |
|---|---|
| Applicant's Name: | Lawrence D. Graham |
| Firm Name: | Black Lowe & Graham, PLLC |
| Address: | 701 Fifth Avenue, Suite 4800 |
| City/State/Zip: | Seattle, Washington 98104 |
| Phone Number: | (206) 381-3300 |
| Facsimile: | (206) 381-3301 |
| E-Mail: | graham@blacklaw.com |

-and-

| | |
|---|---|
| Applicant's Name: | Ellen M. Bierman |
| Firm Name: | Black Lowe & Graham, PLLC |
| Address: | 701 Fifth Avenue, Suite 4800 |
| City/State/Zip: | Seattle, Washington 98104 |
| Phone Number: | (206) 381-3300 |
| Facsimile: | (206) 381-3301 |
| E-Mail: | bierman@blacklaw.com |

are admitted to practice pro hac vice as counsel for Defendants ivi, Inc. and Todd Weaver, in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of the Court.

Dated:

________________________________

# IN THE SUPREME COURT OF THE STATE OF WASHINGTON

| | |
|---|---|
| IN THE MATTER OF THE ADMISSION<br>OF<br>LAWERENCE D. GRAHAM<br>TO PRACTICE IN THE COURTS OF THIS STATE | BAR NO.25402<br>**CERTIFICATE OF GOOD STANDING** |

I, Ronald R. Carpenter, Clerk of the Supreme Court of the State of Washington, hereby certify

LAWERENCE D. GRAHAM

was regularly admitted to practice as an Attorney and Counselor at Law in the Supreme Court and all the Courts of the State of Washington on November 17, 1995, and is now and has continuously since that date been an attorney in good standing, and has a current status of active.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 4th day of October, 2010.

Ronald R. Carpenter
Supreme Court Clerk
Washington State Supreme Court

# IN THE SUPREME COURT OF THE STATE OF WASHINGTON

| | | |
|---|---|---|
| IN THE MATTER OF THE ADMISSION<br>OF<br>ELLEN M. BIERMAN<br>TO PRACTICE IN THE COURTS OF THIS STATE | ) | BAR NO.23224<br>**CERTIFICATE OF GOOD STANDING** |

I, Ronald R. Carpenter, Clerk of the Supreme Court of the State of Washington, hereby certify

ELLEN M. BIERMAN

was regularly admitted to practice as an Attorney and Counselor at Law in the Supreme Court and all the Courts of the State of Washington on November 19, 1993, and is now and has continuously since that date been an attorney in good standing, and has a current status of active.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 4th day of October, 2010.

Ronald R. Carpenter
Supreme Court Clerk
Washington State Supreme Court